

IN THE DISTRICT COURT OF BROWN COUNTY, NEBRASKA

THE STATE OF NEBRASKA,
Plaintiff,

vs.

JOE W. CROOKER, JR.,
Defendant.

Case No. CR02-6

JUDGMENT OF PROBATION

DATE OF SENTENCING: August 30, 2002.

APPEARANCES:

For plaintiff: David M. Streich, Brown County Attorney.
For defendant: Thurman Gay with defendant.

THIS CASE CAME ON FOR SENTENCING. The Court finds that the defendant was adjudged guilty of the charge(s) of Sexual Assault in the Third Degree on June 28, 2002. Allocution had: defendant showed no sufficient reason why sentence should not be pronounced.

IT IS THEREFORE ORDERED AND ADJUDGED that the defendant is hereby sentenced to Probation for a period of two years from and after the commencement of probation under the supervision of a State Probation Officer. The term of probation shall be deemed to commence upon the first to occur of the following: (1) defendant's acceptance in writing of the conditions of probation, (2) the expiration of 30 days from the date of entry of this judgment if no appeal is taken, or, (3) the entry of judgment upon the mandate of the appellate court if appeal is timely perfected within 30 days after the date of entry of this judgment. As conditions of probation, the defendant shall:

1. Not violate any laws, and refrain from disorderly conduct or acts injurious to others.
2. Avoid social contact with those persons having criminal records or who are on probation or parole.
3. Report to your probation officer in person as required by the probation officer, at such reasonable times and places to be fixed by the probation officer. If the

defendant is arrested or cited for any violation of law, report such arrest or citation to the probation officer by the next working day.

4. Truthfully answer questions and allow the probation officer to visit you at all reasonable times and places. Generally cooperate with the reasonable requests of the probation officer for information. Show ordinary business courtesy toward the probation officer.
5. Obtain and maintain suitable employment, or provide adequate proof to the probation officer that the probationer is diligently seeking employment.
6. If required by the probation officer, such proof of search for employment shall include, at a minimum, registration with the Nebraska Job Service, and weekly reports in writing of at least two (2) bona fide personal contacts with prospective employers listing: (a) the name of the prospective employer, (b) the name of the person contacted; (c) the date and time of the contact; (d) the position for which employment was sought; (e) the job description of such position or a list of the skills required therefor; and, (f) such additional reasonable information as the probation officer may require from time to time.
7. Obtain permission from this court or the probation officer before any change of address or employment.
8. Concerning alcohol and drugs:
 - A. Not use or possess any alcoholic liquor or beverages.
 - B. Not use or possess any controlled substance except when prescribed by a licensed physician.
 - C. Submit to the following tests and examinations:
 - (1) Roadside sobriety test;
 - (2) Alco-sensor test;
 - (3) Chemical test for alcohol or drug content of your blood, breath or urine; and/or,
 - (4) Tests to determine the loss of mental function or physical agility due to the use of alcohol or drugs.
 - (5) Such tests may be administered at any time and from time to time, with or without probable cause, upon request of the probation officer, or any law enforcement officer.
 - D. Pay to the clerk of the sentencing court \$5.00 per month for chemical testing while on probation. The first installment shall be due on the date of commencement of probation, and a like amount on the first day of each month

thereafter until paid in full. If additional testing is required by this judgment which is not included in the standard fee above, pay to the clerk of the sentencing court the actual cost of such testing as certified by the probation officer from time to time.

9. Obtain and successfully complete outpatient counseling to include development of understanding of societal rules and norms as they relate to physical or sexual contact with another person from a counselor or agency approved by the probation officer. All costs shall be paid by the probationer. The probationer shall submit the name, address, and telephone number of an acceptable counselor or agency within 30 days, and obtain approval of the probation officer of the proposed agency within 30 days thereafter. The probation officer may extend the times allowed for such submission and/or approval.
10. Pay for the costs of any tests, evaluations, treatments, counseling, programs, classes, courses, meetings, or exercises required under the terms of this judgment or as required by the probation officer as a part of the administration of the terms of probation.
11. The defendant is sentenced to 30 days, less eight days credit for time served before sentencing, in the Brown County Jail, to be served on consecutive days commencing on Monday, September 9, 2002, at 9:00 a.m., as follows:
 - A. The jail sentence is not subject to waiver.
 - B. The sentence is subject to reduction under Neb. Rev. Stat. § 47-502. Assuming no good time for which defendant is eligible is lost, the defendant must serve 23 days, less 8 days credit for time served, or 15 additional days, on the sentence before mandatory release.
 - C. Commitment to the Brown County Jail shall issue by the clerk of the court, under seal, in form to be submitted by the county attorney within five days.
 - D. The defendant shall appear and surrender to the sheriff for execution of sentence at the time for commencement of the sentence. Failure to appear and surrender shall constitute a violation of probation, with such consequences as may be imposed by law, and may further result in a separate prosecution for the crime of Failure to Appear, with a separate and additional penalty, and may also result in the issuance of a bench warrant.
12. Within 10 days after commencement of probation, the defendant shall apologize in writing to the parents of the victim of the crime. The apology shall be submitted to the probation officer for approval and delivery.

13. The defendant shall have no contact with the victim, [deleted], directly or indirectly, by any means or method of communication during the term of probation.
14. The defendant shall not permit or allow any child under the age of 16 years to remain in his presence in any private or semi-private location for longer than three minutes unless such child is accompanied at all times by such child's parent or guardian or another responsible adult. The defendant shall report all such instances in writing to the probation officer within 30 days listing the date and time of occurrence, the name of the child, and the name of the parent, guardian, or other responsible adult.
15. The defendant shall fully and timely comply with all provisions of the Nebraska Sex Offender Registration Act.
16. No restitution was sought by the plaintiff.
17. Pay to the clerk of the sentencing court the costs of prosecution taxed in the amount of \$_____, to be paid within six months after commencement of probation.
18. Pay to the clerk of the sentencing court, for disbursement to Brown County for partial reimbursement of the cost of defense counsel, the sum of \$500.00, to be paid within one year after commencement of probation.
19. In addition to any order of revocation, suspension, or limited driving imposed by law, the defendant's motor vehicle operator's license shall be impounded and the driving privileges of the defendant shall be limited as follows:
 - A. The defendant shall not operate a motor vehicle, except:
 - (1) to drive between the place of residence and employment by the most direct route,
 - (2) during the course of employment for employment purposes only,
 - (3) to and from probation and counseling appointments by the most direct route,
 - (4) to and from AA/NA meetings by the most direct route, and,
 - (5) emergencies.
 - B. The probation officer may grant exceptions from time to time for special occasions or special needs.
 - C. The defendant shall deliver his motor vehicle operator's license to the probation officer, who shall hold the same during the period of this limitation, and who shall provide the defendant with a photocopy thereof with these restrictions endorsed thereon.

- D. This paragraph does not grant any driving privileges and does not affect any more restrictive order of revocation, suspension, or non-driving entered pursuant to law.
20. The defendant shall, within 20 days after commencement of the probationary term, cause a display advertisement to be published:
- A. In the Ainsworth Star-Journal, or other newspaper in general circulation in Ainsworth, Nebraska approved by the probation officer;
 - B. Consisting of at least 16 column inches;
 - C. With the form and content to be approved in advance by the probation officer, and to include, at a minimum:
 - (1) the defendant's name;
 - (2) a picture of the defendant showing a reasonable likeness to the defendant's then current appearance;
 - (3) a statement that the defendant has pleaded guilty to the charge of third degree sexual assault involving a child;
 - (4) a statement that the defendant has been placed on probation;
 - (5) any public apology the defendant desires to include that does not dispute the essential nature of the conviction or the convicted offense;
 - (6) a statement that the defendant's probation prohibits the defendant from:
 - (a) using or possessing alcohol;
 - (b) allowing any child under the age of 16 years to remain in his presence in any private or semi-private location for longer than three minutes unless accompanied by the child's parent or guardian or another responsible adult;
 - (c) operating a motor vehicle for any purpose other than driving between the place of residence and employment by the most direct route, during the course of employment for employment purposes only, to and from probation and counseling appointments by the most direct route, to and from AA/NA meetings by the most direct route, and, emergencies;
 - (7) the name, address, and telephone number(s) of the probation officer(s) having supervisory responsibility for the defendant;
 - (8) requesting any member of the public observing any violation of probation to immediately report the matter to the probation officer or any law enforcement officer; and,

(9) a statement that the advertisement is being published at the defendant's expense by order of the District Court of the Eighth Judicial District as a condition of probation.

D. The defendant shall, within 10 days after date of publication, provide a copy of the published notice from the newspaper to the probation officer.

E. The defendant shall pay all costs of publication and copying.

IT IS FURTHER ORDERED AND ADJUDGED that during the term of this probation, the Court, upon application of the probation officer or the defendant, or upon its own motion, may modify or eliminate any of the above conditions or add further conditions.

BY THE COURT:

William B. Cassel, District Judge

I hereby accept probation and agree to abide by all the conditions of probation ordered by the court. Any violation of the above conditions is cause for revocation of my probation and may result in a sentence to confinement and/or other authorized punishment. I do hereby waive extradition to the State of Nebraska if, at the time of my apprehension, I am in another state. If probation supervision is transferred to another state, I do hereby agree to abide by additional rules and regulations that may be imposed by the receiving state.

I received a copy of the above judgment on _____, 2002.

Defendant